

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

Claims 1, 7 and 9-15 are currently pending in the present application. The Office Action is Final. Claim 1 has been amended as set forth herein and are made without prejudice or disclaimer. No new matter has been added by way of the present amendments. For instance, the textual subject matter of claim 7 was added to claim 1 and claim 7 was subsequently cancelled without prejudice or disclaimer. Additionally, support is further found on page 4 of the present specification. New claim 16 was added. Support for claim 16 can be found within claim 10 and page 24 of the present specification.

No new issues, which would present the Examiner with the burden of additional search and/or consideration, have been raised. For instance, Applicants have simply amended claim 1 to include the subject matter of claim 7. Since claim 7 was already searched and considered, the Examiner will not now be burdened by the amended language in claim 1. Since Claim 16 was originally part of claim 10, and claim 10 was already searched and considered, the Examiner will not now be burdened by the language in claim 16.

In the event that the present submission does not place the application into condition for allowance, entry thereof is requested as placing the application into better form for appeal.

Based upon the above considerations, entry of the present amendment is respectfully requested.

Rejection Under 35 U.S.C § 112, First Paragraph, Written Description

Claims 1, 7 and 9-15 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor was in possession of the claimed invention at the time the application was filed. The Examiner asserts that claims 1, 7 and 9-15 are drawn to the "proviso" within claim 1, which has no antecedent basis.

Applicants cancelled claims 7 and 12-15, without prejudice or disclaimer, thus obviating the rejection toward these claims. Applicants amended claim 1, without prejudice or disclaimer, to remove the proviso from the claim and incorporated the limitations of claim 7 which further defines the R^b group, thus obviating the rejection.

Applicants respectfully request reconsideration, and subsequent withdrawal of the present rejection.

Rejection Under 35 U.S.C § 112, First Paragraph, Enablement

Claims 12-15 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Examiner suggests that the claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to make or use the invention commensurate within the scope of the claims.

Applicants have cancelled claims 12-15, without prejudice or disclaimer, thus obviating the rejection. Applicants respectfully request reconsideration and withdrawal of the present rejection.

CONCLUSION


In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Paul D. Pyla, Reg. No. 59, 228, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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